

MAR 14 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:09CR102

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA)
)
 v.) **CONSENT ORDER AND**
) **JUDGMENT OF FORFEITURE**
)
 WILLIAM TILLMAN)

WHEREAS, the defendant, WILLIAM TILLMAN, has voluntarily pleaded guilty pursuant to Federal Rule of Criminal Procedure 11 to one or more offenses in violation of 18 U.S.C. § 2251(a) and 18 U.S.C. § 2252(a)(4)(B), statutes under which forfeiture may be ordered;

WHEREAS, the defendant and the United States stipulate and agree that the property described below constitutes one or more of the following: visual depictions or matter which contains visual depictions produced, transported, mailed, shipped, or received in violation of Chapter 110 or Title 18, United States Code; property constituting or traceable to gross profits or other proceeds obtained from an offense in violation of Sections 2251 or 2252; property used or intended to be used to commit or promote the commission of an offense in violation of Section 2251 or 2252; and/or substitute property under 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e). The property is therefore subject to forfeiture pursuant to 18 U.S.C. § 2253(a) and 21 U.S.C. § 853;

WHEREAS, the defendant herein waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant;

WHEREAS, pursuant to Federal Rules of Criminal Procedure 32.2(b)(1) & (c)(2), the Court finds that there is the requisite nexus between the property and the offense(s) to which the defendant has pleaded guilty and that the defendant has a legal interest in the property;

WHEREAS, the defendant withdraws any claim previously submitted in response to an administrative forfeiture or civil forfeiture proceeding concerning any of the property described below. If the defendant has not previously submitted such a claim, the defendant hereby waives all right to do so. If any administrative forfeiture or civil forfeiture proceeding concerning any of the property described below has previously been stayed, the defendant hereby consents to a lifting of the stay and consents to forfeiture;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the **following property** is forfeited to the United States, provided, however, that such forfeiture is subject to any and all third

party claims and interests, pending final adjudication herein:

- (a) Real property located at 409 Jordan Street, Hendersonville, North Carolina 28739, with a deed recorded at Book 721, Page 821, of the Registry of Deeds, Henderson County, North Carolina, together with the buildings, residences, and all appurtenances, improvements, and attachments thereon;
- (b) Canon Powershot a150, serial number 0522110092;
- (c) Hewlett Packard Pavilion computer, serial number MXU8110CNS;
- (d) Approximately eleven compact discs containing child erotica.

The United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property.

Upon the seizure of any property, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the property, and shall publish notice of this forfeiture as required by 21 U.S.C. § 853(n).

Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered, as provided by Fed. R. Crim. P. 32.2(c)(2). If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property and shall dispose of the property according to law.

ANNE M. TOMPKINS

UNITED STATES ATTORNEY

BENJAMIN BAIN-CREED

Special Assistant United States Attorney

William B. Tillman

WILLIAM TILLMAN

Defendant

Eric J. Foster

ERIC J. FOSTER

Attorney for Defendant

Signed this the 14 day of March, 2010.

Martin Reidinger

MARTIN REIDINGER

UNITED STATES DISTRICT JUDGE